

REMARKS

Claims 19, 21, 26-29, and 37-56 were previously pending in the application. This Amendment cancels claims 19, 21, 26-29, 40-42, and 50-56 without prejudice or disclaimer to the filing of a divisional application directed to the subject matter of these claims. Therefore, only allowed claims 37-39 and 43-49 are pending in the present application.

Allowed Subject Matter:

Applicants gratefully acknowledge the Examiner's indication that claims 37-39 and 43-49 are allowed.

The Examiner kindly agreed in the personal interview conducted on December 3, 2008, that allowed claims 47-49 included antecedent structure from claim 43, and that the rejections under 35 U.S.C. § 112, first and second paragraphs, will be withdrawn if allowed claim 47 is amended to clarify the function of the lever device --pivoting about the fulcrum--.

As explained below, allowed claim 47 is amended in accordance with the Examiner's helpful suggestion, thereby overcoming the rejections under 35 U.S.C. § 112, first and second paragraph. The Examiner is requested to permit allowed claims 37-39 and 43-49 to pass to immediate allowance.

Statement of the Substance of the Interviews

I. Telephonic Interview

Applicants thank the Examiner for courtesies extended in the telephonic interview conducted with Applicants' Representative, John J. Dresch, Reg. No. 46,672 on November 21, 2008, in which the Examiner clarified that claims 37-39 and 43-49 are allowed, and that claim 40 remains rejected under 35 U.S.C. § 112, first and second paragraphs, and on prior art grounds, as this claim depends from claim 19, not claim 37. The Examiner kindly granted a personal interview to be conducted on December 3, 2008, to discuss the outstanding rejections in greater detail..

II. Personal Interview

Applicant's representative also thanks Examiner Joseph L. Perrin for the courtesies extended in the personal interview conducted with Applicants' Representative, John J. Dresch, Reg. No. 46,672, on December 3, 2008. A copy of an Interview Summary was provided by the Examiner at the interview. Applicants submit this Statement to comply with the requirements of M.P.E.P. § 713.04.

In the interview, the following was discussed:

A. Identification of claims discussed:

Independent claims 19-21, 23-29, 41, 42, and 50-56.

B. Identification of prior art discussed:

The Smith et al. reference (U.S. Pat. No. 5,685,038); the Bugnacki reference (M. Bugnacki et al., "A Micromachined Thermal Accelerometer for Motion, Inclination, and Vibration Measurement," Sensors, June 2001, pp. 98-104, vol. 18, no. 6); and the Youn et al. reference (U.S. Pat. Pub. No. 2001/0025392).

C. Identification of principal proposed amendments:

The Examiner stated that the rejection of allowed claims 47-49 under 35 U.S.C. § 112 will be withdrawn upon a minor amendment to claim 47 to clarify the function of the lever device "pivoting about the fulcrum."

D. Brief Identification of principal arguments:

Applicants' representative argued that the rejection of claims 40 and 47-49 under 35 U.S.C. § 112, first and second paragraphs, should be withdrawn for the reasons set forth below.

E. Results of the Interview:

An agreement was reached.

Applicants gratefully acknowledge the Examiner's agreement in the Interview Summary dated December 3, 2008, that "claims 47-49 included antecedent structure from claim 43. The Examiner agreed to withdraw the 112 rejections for claims 47-49 upon minor amendments to clarify the function of the lever device "pivoting about the fulcrum" with respect to claim 47."

Claim Rejection under 35 U.S.C. § 112, first paragraph

The Office Action rejects claim 40 and allowed claims 47-49 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

As stated above, allowed claim 47 is amended in accordance with the Examiner's helpful suggestion, thereby overcoming the rejection of allowed claims 47-49 under 35 U.S.C. § 112, first paragraph.

As discussed in the personal interview, M.P.E.P. § 2163.02 sets out the standard for complying with the written description requirement of 35 U.S.C. § 112, first paragraph:

"An objective standard for determining compliance with the written description requirement is, "does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed. [...] to satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention, and that the invention, in that context, is whatever is now claimed."

Whenever the issue arises, the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. [...] An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention.

Applicants respectfully submit that the original disclosure and figures convey with reasonable clarity to those skilled in the art that the features of claims 47-49 were in possession of the Applicants, as of the filing date. The features of allowed claims 47-49 very clearly are supported by the original disclosure and this rejection should be withdrawn.

FIG. 3 clearly illustrates an exemplary aspect in which a lever device 27 converts movement of the linen treatment device to translational movement at a sensor 22. The

movement clearly can be movement in a direction parallel to, or perpendicular to, a rotational axis of the soapy water container. FIG. 4 clearly illustrates an equivalent circuit diagram for the measuring arrangement of FIG. 3, in which a lever device converts movement of the linen treatment device to translational movement at a sensor *a*. The specification clearly explains the features of FIGS. 3 and 4 at page 2, lines 9-23; page 5, lines 15-20; and page 8, lines 8-10. Furthermore, original claim 3 of the present application clearly defines at least one sensor (14, 21, 22) being arranged on a lever device (27) connected to the soapy water container (15).

For at least these reasons, allowed claims 47-49 clearly are supported by the original disclosure, and therefore, certainly comply with the written description requirement. Applicants respectfully request withdrawal of this rejection.

Claim 40 is canceled without prejudice or disclaimer, thereby rendering the rejection of this claim moot.

Claim Rejection under 35 U.S.C. § 112, second paragraph

The Office Action rejects claim 40 and allowed claims 47-49 under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete for omitting essential elements, such omission amounting to a gap between the elements. (MPEP § 2172.01). Applicants respectfully traverse this rejection.

As explained above, allowed claim 47 is amended in accordance with the Examiner's helpful suggestion, thereby overcoming the rejection of allowed claims 47-49 under 35 U.S.C. § 112, second paragraph.

As discussed in the personal interview, M.P.E.P. § 2173.02 sets out the standard for complying with 35 U.S.C. § 112, second paragraph:

The essential inquiry pertaining to the requirement under 35 U.S.C. § 112, second paragraph, is 'whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) the content of the particular application disclosure; (B) the teachings of the prior art; and (C) the claim

interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.'

Applicants respectfully submit that no essential elements are omitted in allowed claims 47-49.

FIG. 4 clearly illustrates an equivalent circuit diagram in which a lever device converts movement of the linen treatment device to translational movement at a sensor *a*. The specification clearly explains the features of exemplary lever devices, such as those shown in FIGS. 3 and 4, at page 2, lines 9-23; page 5, lines 15-20; and page 8, lines 8-10. The claimed "lever device" clearly defines a structure that is capable of converting movement of the linen treatment device to translational movement of the sensor.

For at least these reasons, allowed claims 47-49 do not omit essential elements. Applicants respectfully request withdrawal of this rejection.

Claim 40 is canceled without prejudice or disclaimer, thereby rendering the rejection of this claim moot.

Claim Rejections under 35 U.S.C. § 103

The Office Action rejects claims 19, 21, 29, 40-42, 50, and 54-56 under 35 U.S.C. § 103(a) as allegedly being obvious over the Smith et al. reference (U.S. Pat. No. 5,685,038) in view of the Bugnacki reference (M. Bugnacki et al., "A Micromachined Thermal Accelerometer for Motion, Inclination, and Vibration Measurement," Sensors, June 2001, pp. 98-104, vol. 18, no. 6). Claims 26-28 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over the Youn et al. reference (U.S. Pat. Pub. No. 2001/0025392) in view of the Bugnacki reference and the Smith et al. Reference. Claim 51 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over the Smith et al. reference, the Bugnacki et al. reference, and the Youn et al. reference. Claim 52 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over the Smith et al. reference, the Bugnacki et al. reference, the Youn et al. reference, and the Hashimoto reference (U.S. Patent No. 5,743,115). Claim 53 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over the Smith et al. reference, the Bugnacki et al. reference, the

Youn et al. reference, the Hashimoto reference, and the Stamminger et al. reference (DE 4219298).

Claims 19, 21, 26-29, 40-42, and 50-56 are canceled without prejudice or disclaimer, thereby rendering each of these rejections moot. Applicants respectfully request withdrawal of these rejections.

Information Disclosure Statement

The Office Action objects to the information disclosure statement filed on September 8, 2008 as failing to comply with 37 C.F.R. § 1.98(a)(3) because it allegedly does not include a concise explanation of the relevance of each patent listed that is not in the English language. The information disclosure statement has not been considered. Applicants respectfully traverse this objection.

Submission of an English language abstract of a reference may fulfill the requirement for a concise explanation. (M.P.E.P. § 609.04(a)(III))

Applicants respectfully submit that page 1, third paragraph, of the information disclosure statement filed on September 8, 2008, included an English language version of the Abstract of KR2001-0087653. Thus, the information disclosure statement clearly complied with the requirements for a reference not in the English language.

The Examiner is requested to acknowledge consideration of KR2001-0087653 identified in the Information Disclosure Statement by initialing the PTO-1449 form and returning a copy of the initialed form to the undersigned.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of **Allowed claims 37-39 and 43-49** are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James E. Howard', written in a cursive style.

James E. Howard

Registration No. 39,715

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BSH Home Appliances Corporation
100 Bosch Boulevard
New Bern, NC 28562
Phone: 252-639-7644
Fax: 714-845-2807
james.howard@bshg.com